

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DARLERY FRANCO, individually and
on behalf of all others similarly situated,
et al.,

Plaintiffs,

V.

CONNECTICUT GENERAL LIFE
INSURANCE CO., et al.,

Defendants.

: Document Electronically Filed

: Case No. 07-cv-6039 (SRC) (CLW)

**BRIEF IN SUPPORT OF
DEFENDANTS' MOTION TO
FILE DOCUMENTS UNDER
SEAL PURSUANT TO LOCAL
CIVIL RULE 5.3**

Defendants Connecticut General Life Insurance Company, Cigna Corporation, and Cigna Health Corporation (the “Defendants”) respectfully submit this Brief in Support of their Motion For Filing Documents Under Seal Pursuant To Local Civil Rule 5.3. Defendants’ motion to file documents under seal is being submitted in connection with various exhibits attached to the declarations of William P. Deni, Jr. in support of Defendants’ Counter-Statement to Plaintiffs’ Statement of Undisputed Facts and Defendants’ Opposition to Plaintiffs’ Motion for Partial Summary Judgment, Defendants’ Motion to Exclude

the Reports and Testimony of Dr. Stephen E. Foreman, Defendants' Opposition to Plaintiffs' Motion for Class Certification, the Declaration of Anita Hill in support of Defendants' Opposition to Plaintiffs' Motion for Class Certification, and the Declaration of Wendy Sherry in support of Defendants' Opposition to Plaintiffs' Motion for Class Certification, which are being filed simultaneously with the Court.

First, Defendants request that unredacted versions of exhibits 4-5, 11-13, 15, 19-20, 23, 29, and 31 (the "Confidential Summary Judgment Exhibits") attached to the Declaration of William P. Deni, Jr. in support of Defendants' Counter-Statement to Plaintiffs' Statement of Undisputed Facts and Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment be filed under seal. This request is made because the Confidential Summary Judgment Exhibits contain proprietary and confidential information, including personal health information as well as financial information. Specifically, the Confidential Summary Judgment Exhibits have been produced and designated as "Confidential" pursuant to the Discovery Confidentiality Order filed by the Court on July 31, 2007.

Second, Defendants request that an unredacted version of exhibit 18 attached to the Declaration of William P. Deni, Jr. in support of Defendants' Motion to Exclude the Reports and Testimony of Dr. Stephen E. Foreman be filed under seal.

This request is made because exhibit 18 contains proprietary and confidential information.

Third, Defendants request that unredacted versions of exhibits 20-22 and 24-29 (the “Confidential Class Certification Exhibits”) attached to the Declaration of William P. Deni, Jr. in support of Defendants’ Opposition to Plaintiffs’ Motion for Class Certification be filed under seal. This request is made because the Confidential Class Certification Exhibits contain proprietary and confidential business information. Specifically, the Confidential Class Certification Exhibits have been produced and designated as “Confidential” pursuant to the Discovery Confidentiality Order filed by the Court on July 31, 2007.

Fourth, Defendants request that unredacted versions of exhibits 1-5 (the “Confidential Hill Exhibits”) to the Declaration of Anita Hill in support of Defendants’ Opposition to Plaintiffs’ Motion for Class Certification be filed under seal. This request is made because the Confidential Summary Judgment Exhibits contain proprietary and confidential information, including personal health information as well as financial information. Specifically, the Confidential Hill Exhibits have been produced and designated as “Confidential” pursuant to the Discovery Confidentiality Order filed by the Court on July 31, 2007.

Fifth, Defendants request that unredacted versions of exhibits 1-4 (“the Confidential Sherry Exhibits”) to the Declaration of Wendy Sherry in support of

Defendants' Opposition to Plaintiffs' Motion for Class Certification be filed under seal. This request is made because the Confidential Sherry Exhibits contain proprietary and confidential business information. Specifically, the Confidential Sherry Exhibits have been produced and designated as "Confidential" pursuant to the Discovery Confidentiality Order filed by the Court on July 31, 2007.

Pursuant to the Discovery Confidentiality Order filed by the Court on July 31, 2007, documents containing confidential and/or proprietary information may be marked as "Confidential" and treated accordingly. In accordance with the Court's Orders of July 31, 2007 and June 11, 2010, Fed. R. Civ. P. 26(c), and L. Civ. R. 5.3, there is no less restrictive alternative other than sealing these documents because Defendants will file public versions of the Declaration of William P. Deni, Jr. in support of Defendants' Counter-Statement to Plaintiffs' Statement of Undisputed Facts and Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment, the Declaration of William P. Deni, Jr. in support of Defendants' Motion to Exclude the Reports and Testimony of Dr. Stephen E. Foreman, the Declaration of William P. Deni, Jr. in support of Defendants' Opposition to Plaintiffs' Motion for Class Certification, the Declaration of Anita Hill in support of Defendants' Opposition to Plaintiffs' Motion for Class Certification, and the Declaration of Wendy Sherry in support of Defendants' Opposition to Plaintiffs' Motion for Class Certification that will contain redacted

versions of the exhibits identified above. Therefore, Defendants respectfully submit that the foregoing unredacted materials should be filed under seal in order to preserve confidential information.

Dated: January 9, 2014

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